

CITY COUNCIL CITY OF LODI  
COUNCIL CHAMBERS, CITY HALL  
JANUARY 7, 1953

This regular meeting of the City Council of the City of Lodi held beginning at 8:00 o'clock p.m. on Wednesday, January 7, 1953; Councilmen Prezler, Richey, Rinn and Robinson present; Mayor Haskell absent.

In the absence of Mayor Haskell, City Clerk Glaves called for nominations for Mayor pro tem. Councilman Robert H. Rinn was nominated and elected to fill the position of the Mayor during the absence of Mayor Haskell.

Councilman Robinson and Councilman Richey noted errors in the last sentence of the second paragraph of the minutes of December 22, 1952. As corrected the sentence should read, "On the motion of Councilman Richey, Prezler second, the Council authorized the City Manager to meet with Judge-elect Bainbridge and County Supervisor Stuckenbruck to work out the proposed agreement for the lease, subject to the approval of the City Council." The minutes were then approved with the above correction.

COMMUNICATIONS

CVD, LCC  
MEETING  
ANNOUNCED

Letter from Mayor Evanhoe of Stockton announcing the quarterly meeting of the Central Valley Division of the League of California Cities in Stockton on January 22, 1953. The meeting is to be held at Bruno and Lena's, 448 S. Hunter Street at 6:30 p.m.

APPROVE  
DRIVEWAYS  
FOR  
F.M. BROWN

Letter from Fred M. Brown and Sons requesting permission to put in two 20-foot driveways or one 50-foot driveway at their place of business at 1225 South Sacramento Street. Mr. Weller stated that previous requests have usually been approved subject to approval of the City Engineer who attempts to allow enough driveway space to meet the needs of the property owner and at the same time minimize the amount of curb space utilized. On the motion of Councilman Prezler, Richey second, the Council approved the request subject to the approval of the City Engineer.

CITY REQUESTED  
TO JOIN IN  
PROTEST OF  
TELEPHONE  
RATE INCREASE

Letter from Bruce McKnight, Certified Public Accountant, Stockton, California, explaining that he has been retained by the City of Stockton for representation at the Pacific Telephone and Telegraph Company rate hearing on application No. 33935. He explained that he was requesting central cities and counties of the State to join in the protest. The amount asked of the City of Lodi as its share in the expense is \$100. Mr. Weller explained that this request was one of six or eight requests for joint action the City had received in the past four or five years. In some cases Lodi has joined in the protest. In the last such instance, the P. G. & E. case, Lodi did not join with Stockton because we joined in a protest of our own. He further stated that from the information available to him he did not feel that it would be worthwhile to just make a blanket protest. The Public Utilities Commission, he explained, has a competent staff which will be utilized to investigate the request of the telephone company. Mr. Weller further stated that he felt that the Pacific Telephone and Telegraph Company was probably asking a good deal more than it was entitled to get, but he simply did not feel, as a matter of principle, that this protest was worthwhile at this time.

At the invitation of Mayor pro tem Rinn, Mr. George Creighton, Manager of the Lodi office of the Pacific Telephone and Telegraph Company, addressed the Council and stated that Mr. Weller had accurately outlined the qualifications of the PUC staff. This staff consisted of 500 persons, including engineers, accountants and attorneys. Councilman Robinson stated that he had read that the rates for business phones for the Lodi area are higher than other areas in the territory and if this is true and Lodi is being discriminated against, the City should present its case before the Commission. Mr. Creighton answered that the rates are based on the availability of phones. Councilman Robinson stated that he understood that the telephone company was requesting a 7% return on its investment and if this is true, its request is excessive. Mr. Creighton replied that he was not qualified to discuss the rates of return requested. Mayor pro tem Rinn then asked if it would be possible to make a determination at this time which would give the City access to the records of the hearing without joining in the protest being prepared by Mr. McKnight. Mr. Weller replied that the City could file as an interested party or as a protestant. In either case the City would receive exhibits and other evidence, be given opportunity to give evidence or cross examine witnesses. Councilman Robinson then moved that the City Manager be authorized to make whatever representation is necessary and that such representation, either as interested party or as protestant, be at the discretion of the City Manager. Mayor pro tem Rinn asked if it would be possible to file as an interested party and then at a subsequent date change the filing to that of a protestant. Mr. Weller replied that he would be glad to check into this question. The motion of Councilman Robinson was then seconded by Councilman Richey and passed.

LODI B.&P.  
W. CLUB  
REQUEST  
COURTESY  
PARKING  
DURING  
CONFERENCE

Letter from the Lodi Business and Professional Women's Club requesting courtesy parking and overnight parking for out-of-town delegates to their winter conference to be held January 24 and 25 in Lodi. Councilman Richey explained that many of the delegates would be staying at Hotel Lodi and would want to park their cars on the street over Saturday night. Councilman Robinson suggested that the Oak Street parking lot could be utilized. The City Manager suggested that if there were no objections he would refer the letter to the Chief of Police to work out the necessary arrangements and he would speak to the Manager of Hotel Lodi and ask that he direct the delegates to use the Oak Street parking lot wherever possible.

CALIFORNIA  
RECREATION  
CONFERENCE IN  
LONG BEACH

Letter from the City of Long Beach calling attention to the Annual California Recreation Conference to be held in that city February 10-13. Mr. Weller explained that the Park and Recreation Director planned to attend this meeting and has been requested to bring some exhibits relating to Lodi's recreation program.

RICHEY TO  
WELCOME  
DELEGATES TO  
CONFERENCE

Letter from Lodi Business and Professional Women's Club asking if it would be possible to have Councilman Richey represent the City of Lodi, in the absence of Mayor Haskell, to formally welcome the women delegates to the conference. The request was granted on the motion of Councilman Robinson.

TRUCKS  
BANNED ON  
MAPLE STREET

A petition signed by six residents in the Stockton Street-Maple Street area protesting the truck travel on Maple Street between Stockton Street and the Roy R. Parker property. A letter accompanying the petition asked that that portion of Maple Street west of Stockton Street be closed to truck traffic. Mr. Weller explained that this problem had come up before and he had checked with the cannery people and been assured that the gate at the west end of Maple Street was only used in emergencies. It was agreed that the City should place a "No Trucks" sign at the entrance of Maple Street from Stockton Street and that the manager of the cannery be notified that the gate is not to be used except in bonafide emergencies.

LODI POLICE  
COMMENDED

Letter addressed to Chief of Police Hunt from Carlos A. Sousa, County Sheriff-Coroner, expressing appreciation to the Lodi Police Department for the immediate response to an emergency call from the Sheriff's office on December 31, 1952. Sergeant Schnabel was singled out for particular praise for his courage in stalking a crazed gunman in the face of direct gunfire.

DRIVEWAYS  
AUTHORIZED  
FOR FLOWER  
GARAGE

Letter from Walter E. Flower requesting permission to construct two 36-foot driveways as a means of access to a proposed garage to be built on the corner of Flora Street and Cherokee Lane. Mr. Weller reported that the City Engineer had been consulted and that he had no objections to the driveways, but he felt that if the request were approved, the size of the driveways should be left open so that they could be cut down if it is determined that they are larger than necessary. On the motion of Councilman Preszler, Richey second, the request for the driveways was approved subject to the provision that the widths of the driveways will be cut down by the City Engineer if he finds it is possible to do so without destroying the use for which they are intended.

CHURCH STREET  
STREET LIGHT-  
ING PETITION  
ACCEPTED

Petition requesting the installation of street lighting facilities on South Church Street from West Lodi Avenue to Kettleman Lane. City Attorney Mullen explained that proceedings are provided in the statutes of the State for this type of special assessment district and that all proceedings must be taken in conformance with these statutes. It was pointed out that any delays encountered due to the statute provisions are unavoidable and not the fault of the City. On the motion of Councilman Richey, Preszler second, the Council voted to accept the petition and to instruct the City Clerk to prepare the necessary resolution for presentation at the next meeting. Councilman Robinson stated that Mr. Noel N. Groshong should be commended for his efforts in securing the names on the petition.

PUBLIC HEARINGS

Mayor pro tem Rinn then called for hearing of the matters relating to the proposed annexation of the "47th Addition" and the "Rieck Addition", continued from the previous meeting of December 22, 1952. City Clerk Graves then read a letter received and filed January 7, 1953, from Mrs. Maud Veit. Mrs. Veit requested that the protest heretofore filed by her with the City Council be withdrawn and

"RIECK ADDI-  
TION"

VEIT  
WITHDRAWS  
PROTEST

ORD. NO. 473  
APPROVING  
RIECK  
ANNEXATION  
INTRODUCED

FINAL MAP  
LAWRENCE RANCH  
SUBDIVISION  
UNIT 1  
APPROVED

that her property be included in the proposed "Rieck Addition" annexation. Mr. Edwin Werner addressed the Council, stating that he had publicly stated he would not object to the annexation of his property to the City of Lodi when the Veit property was included. Mr. Werner requested that the Council give him answers to some questions which he felt might later present problems when his property became part of the City. Mr. Werner explained that he conducted a business at his residence which he looked upon as a hobby, but that this business was dependent upon periodic visits by delivery trucks. He then asked if the Council would later object to truck travel over streets leading to his business and residence. It was generally agreed that the business would come into the City classified as a non-conforming use and that the City would not be able to take any action which would deprive it of supplies or deliveries upon which the business is dependent. Mr. Werner then asked if his property would be assessed as subdivided property at such time as he improved the street in front of his house. It was generally agreed that his property would probably not be assessed as subdivided property until such time as the property was subdivided; however, since all assessment of property is in the hands of the County Assessor, no positive answer could be given at this time. Mr. Werner then explained that he required storage space for his business and that he contemplated the construction of an underground warehouse on the back of his property. He explained that the structure would be wholly underground and that the ground above the structure would be landscaped with shrubbery. Mr. Mullen replied that any addition to his non-conforming use would depend upon securing the approval of the City Planning Commission. Mr. Mullen further suggested that Mr. Werner might find it more advantageous from his personal point of view to locate his business activities in another part of town and subdivide his property for residential use. Mr. Werner stated that relocation of his business was out of the question at present for financial reasons. Mr. Werner then suggested that the proposed annexation be postponed until such time as he was able to submit plans for his underground warehouse to the Planning Commission for approval. The City Attorney stated that, inasmuch as Mr. Werner had gone on record as being willing to include his property in the annexation at the time the Veit property was included, there would be no point in delaying the proceedings at this time. Councilman Robinson then stated that since Mrs. Veit had withdrawn her protest and Mr. Werner had stated his willingness to have his property included, the Council could now proceed with the annexation. He then moved, Preszler second, to introduce Ordinance No. 473, approving the annexation of the "Rieck Addition". The motion was passed unanimously.

The Council next considered the final map of the Lawrence Ranch Subdivision, Unit No. 1, which was submitted for approval. The City Attorney questioned the representative of the Lawrence Ranch Company regarding the understanding of the company relating to its obligations for improvements and utilities. Mr. Thompson, the company representative, satisfied the Council that the company was aware of its obligations and that it was prepared to make the necessary deposit for utility extension just as soon as the estimates were available. The final map was approved on the motion of Councilman Richey, Preszler second.

RESIDENTS  
PROTEST NOISE  
BY SUPER MOLD  
CORPORATION

Mrs. A. D. Haut, 507 North School Street, addressed the Council to protest the disturbance created by the Super Mold Corporation operations. Mrs. Haut claimed that at the time the residents protested the construction of the offending facilities, the Super Mold Corporation agreed that the facilities would only be used for office and warehouse functions. However, at the present time manufacturing is being conducted in the building, creating a disturbance from 6 a.m. to 10 p.m. or, at times, as late as 1 a.m. Mrs. Haut acted as spokesman for seven residents of the protesting area who were in the audience. Mayor pro tem Rinn suggested that the Council call a special meeting at which the interested residents and the Super Mold Corporation could be represented and try to work out a satisfactory arrangement for all concerned. Mrs. Haut replied that this suggestion appeared reasonable from the standpoint of the protesting residents. The Council then set the evening of Tuesday, January 20, 1953, as the date for the meeting and instructed the City Clerk to notify all interested parties.

MEETING SET

REPORTS OF THE CITY MANAGER

LEASE OF  
CHAMBER AUD.  
TO COUNTY

The City Manager reported that although he had not been officially notified of the action, he had been told that the County Board of Supervisors had approved the lease of the Chamber of Commerce Auditorium for \$100 per month for use by the District Court.

COURT PARKING  
RESERVATION  
RESCINDED

On the motion of Councilman Robinson, Richey second, the Council moved to rescind its approval of four parking spaces reserved in front of the Hall of Justice on North Sacramento Street for use by the Lodi District Court.

RES. #1717  
AWARD PUMP

Mr. Weller reported the results of the bidding for furnishing a pump for use in the storm sewers. The City received two bids. The first bid from the Clancy Pump and Supply Company contained three proposals for \$941.75, \$1064.00 and \$1021.00. The second bid was from Byron-Jackson for \$902.00. The City Manager recommended that the award be made to the low bidder, Byron-Jackson. Councilman Preszler, Robinson second, moved the adoption of Resolution No. 1717 awarding the contract to the Byron-Jackson Company.

PERSONNEL  
ORDINANCE  
AND  
PERSONNEL  
RULES  
SUBMITTED

The City Manager furnished the redraft of the proposed Personnel Ordinance together with a copy of the proposed Personnel Rules and Regulations. Mr. Weller explained that the proposed Personnel Ordinance attempts to clarify lines of authority and to bring the present organizational structure into line to conform with existing practice. He pointed out that there were no really significant changes in the new proposal. The principal changes he mentioned related to: A reduction in the term of the Personnel Board from six to four years, elimination of a specific Department of Personnel and Personnel Clerk and removal of department heads from the classified service. The City Attorney suggested the addition of "and Repealing Ordinance Numbers 276 and 305" to the title of the proposed ordinance. It was also suggested that Section 4 be amended by the addition of "City Manager" to the list of appointments to be made by the City Council. Councilman Robinson pointed out that he did not like the provisions of Section 10. At the same time

Councilman Richey took exception to Section 9. Mr. Weller explained that in both instances these provisions are required by California statute; in fact, the provisions, as they appear in the proposed ordinance are quoted verbatim from the State Code. In considering the proposed Rules and Regulations, Mr. Weller explained that the principal changes involved the elimination of the "rule of three" and the clarification of the transfer rules. In the instance of the "rule of three", it is proposed to establish a passing grade on the examination as a requirement for qualification. The appointing authority will then be able to make his appointment from those qualified. This will enable the appointment of qualified candidates who are separated from the top three by hundredths of a percentage point. In the case of the transfer rule, the new rule will require that a transferee must possess the qualifications and skills to fill the new position and the transfer must be made to a position in the same salary range. Councilman Robinson suggested an addition to Section 3 of RULE VI providing that an applicant for employment would be disqualified if he did not reside in the 4th Supervisorial District of San Joaquin County for six months prior to application. Mr. Weller opposed this suggestion as a step backward in modern personnel administration. Mr. Weller pointed out that at the present time the local candidate receives the appointment if all other things are equal. Councilman Robinson stated that there are residents of Lodi who will not apply for positions with the City because they feel that local residence will stand in the way of their appointment. City Attorney Mullen then suggested that instead of adding the modifications to the rules providing for the disqualification of the applicant, the sentence, "It is the express policy of the City Council that all considerations and qualifications being equal, residents of the 4th Supervisorial District shall be given preference in all appointments." be added to Section 8, Rule VII, referring to rules governing appointment. Mr. Arthur Armstrong addressed the Council questioning the abandonment of the "rule of three". Mr. Armstrong stated that he viewed the "rule of Three" as basic to civil service. Mr. Weller replied that abandoning the "rule of Three" would in no way endanger the basic benefits of civil service. On the motion of Councilman Richey, Preszler second, the Council voted to introduce Ordinance No. 474 entitled "An Ordinance of the City of Lodi Creating and Establishing a Personnel System and Repealing Ordinance Numbers 276 and 305". Councilman Preszler moved, Richey second, to adopt Resolution No. 1718, providing for the adoption of the "Rules for Personnel Administration" to become effective with the adoption of Ordinance 474. The motion passed by a unanimous vote.

PERSONNEL  
ORDINANCE  
ORD. NO. 474  
INTRODUCED

PERSONNEL  
RULES  
ADOPTED BY  
RES. #1718

ORD. NO. 476  
INTRODUCED

On the motion of Councilman Robinson, Richey second, the Council then voted to introduce Ordinance No. 476, providing for the removal of all department heads from the classification system.

NEW SALARY  
RANGES FOR  
DEPARTMENT  
HEADS

The City Manager then submitted a recommendation for the adoption of a new salary range for department heads. Mr. Weller pointed out that the proposed salary ranges provided an increase of one step for all department heads with the exception of the Park and Recreation Director. He explained that the salary range for this position was created at a time when the position only required supervision of the recreation program, but since the job of supervision of the parks had been added to that department, he felt that the salary for the position should be brought in line with those of the other department heads. Mr. Weller further explained that the proposed salary range was based upon a survey of department heads salaries conducted by him recently. On the motion of Councilman Preszler, Robinson second, the Council voted to approve the salary ranges for department heads as recommended by the City Manager. The salary ranges are as follows:

City Engineer	\$556 - 644
Finance Director	458 - 556
Fire Chief	458 - 556
Park & Recreation Director	458 - 556
Police Chief	458 - 556
Superintendent of Utilities	481 - 584

The City Manager was further authorized to grant salary increases within the above salary ranges and to recruit replacements within the ranges at his discretion.

CITY MANAGER  
EXPLAINS  
REORGANIZATION

Mr. Weller mentioned certain moves and transfers of personnel which he contemplated in the near future. He explained that the departure of Mr. Meckler from the Engineer's Department created a shortage in that department which he intended to fill by the transfer of Mr. Cromwell from the position of Purchasing Clerk to the Engineer's Department. The position vacated by Mr. Cromwell would be filled by Mr. Wilson, the present office manager in the Finance Department. Mr. Wilson would then become the Purchasing Agent for the City. Mr. Wilson's former position would be filled by the promotion of Mr. Buer, presently the Collector in the Finance Department. Mrs. Griffin would then be promoted to Collector and her position would be filled by a promotional examination. An increase of one step in the salary range will be recommended for the position of Purchasing Agent and a new position classification required in the Engineer's Department before the above reorganization is completed. Mr. Weller pointed out that amendments to the present City Manager and Purchasing System ordinances will probably be called for in order to carry out this reorganization.

CITY PLANNING COMMISSION

USE PERMIT  
APPROVED FOR  
NURSERY

On the motion of Councilman Robinson, Preszler second, the Council voted to approve the recommendation of the Planning Commission that a use permit be issued to Mr. and Mrs. H. L. Wallace, 200 Watson Street, for the purpose of establishing a child nursery. The specific use is for the caring for a maximum of ten Mongoloid idiots or spastic patients, all of which are crib patients.

PUBLIC  
HEARING SET  
FOR MASON  
REZONING

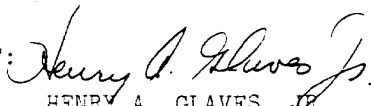
The Council then considered the petition of Clara E. Mason for rezoning that part of her property lying north of Laurel Avenue and south of the Mokelumne River. The petition requests that the zoning be changed from park area to residential zone. The Planning Commission determined that this property had been included in the public park area in the new zoning ordinance as the result of a mistake and recommended that it be rezoned and classified in the R-2 residential district. The Council set January 21, 1953, as the date for a public hearing on the proposed rezoning on the motion of Councilman Richey, Robinson second.

CITY CLERK  
SALARY  
INCREASED

Mayor pro tem Rinn then asked if the members of the Council wanted to take up the question of a salary increase for the City Clerk at this time. He pointed out that when the matter had been discussed at a previous meeting, it had been decided to postpone action until the first of the year. In reply to a request for a recommendation, Mr. Weller recommended that the salary be increased to \$415 per month. The Council then voted to accept the recommendation of the City Manager on the motion of Councilman Robinson.

On the motion of Councilman Preszler, the Council adjourned at 12:10 a.m.

ATTEST:

  
HENRY A. GLAVES, JR.  
City Clerk